IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.312 OF 2004

Ramchandra Laxman Jadhav .. Appellant

Versus

Sahadev Tukaram Jadhav .. Respondent

Mr.P.N.Karlekar for appellant

None for respondent

CORAM : P.V.KAKADE, J.

DATE : 8TH JUNE, 2005.

P.C.

1. The appellant has preferred this appeal against the judgment and order passed by the Addl. District Judge, Khed dated 15th October, 2003 dismissing the appeal and confirming the judgment and order passed by Civil Judge, Junior Division, Dapoli dismissing the suit

for perpetual as well as mandatory injunction against the defendant.

2. I have heard the learned counsel for the appellant. Perused the record.

3. The only question involved in this appeal is whether there was partition of the property allotting the suit structure bearing Grampanchayat House No.533 to the respondent. Both the parties have led evidence and have put up their respective cases. However, in the course of evidence of the appellant-plaintiff the position is clear enough to establish that the respondent is exclusive owner and in possession of the suit structure bearing Grampanchayat House No.533 and as such the appellant has no right, title and interest therein. Suffice to say that there is no substantial question of law involved in this appeal. Both the courts below have properly appreciated the factual aspects of the evidence and have concluded that the plaintiff’s case have no merits. I do not propose to interfere with these findings and in the result the appeal stands dismissed.